

(23)

Central Administrative Tribunal  
Principal Bench

O.A. No. 1216 of 1997

New Delhi, dated this the 17<sup>th</sup> APRIL, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Mukesh Pal,  
S/o Sri Kiran Singh,  
C/o Maniram,  
1/4440, Ambedkar Gali, Ram Nagar,  
Shahdara, Delhi-110032.

.. Applicant

(By Advocate: Shri Nalin Tripathi)

Versus

1. The Director,  
Directorate of Education,  
NCT of Delhi,  
Old Secretariat, Delhi.
2. A.O.E. III Branch  
through Sri Rakesh Nagpal,  
Govt. of NCT of Delhi  
Estt. III Branch,  
Directorate of Education,  
Old Secretariat, Delhi.
3. The Employment Officer,  
Directorate of Employment,  
Delhi Administration,  
Sector IV, R.K. Puram,  
New Delhi.


.. Respondents

(By Advocate: Shri Rajinder Pandita for  
Respondent No. 3  
Dept. Repr. Shri H.N. Sahai for  
Respondents 1 & 2)

ORDER

S.R. ADIGE, VC (A)

In this O.A. filed on 30.4.97, applicant who belongs to SC community seeks appointment as TGT (Maths) on the basis of his selection in the merit list of October, 1994.



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2. Respondents invited applications for various categories of teaching posts including TGT (Maths) by advertisement in various newspapers, for which the eligibility date was 31.5.94. There were 37 posts earmarked for SC candidates in TGT (Maths). Respondents adopted a marking scheme for making selection, as per which applicant secured 49 marks. He was nominated to East District vide letter dated 23.8.94 for appointment after completion of codal formalities. Dy. Director of Education (East) who had been delegated the power of appointing authority for the post of TGT/LT issued registered letter dated 21.9.94 calling applicant to report for duty on 30.9.94. As he failed to appear on 30.9.94, another registered letter was issued to him on 25.10.94 asking him to appear on 31.10.94 failing which his candidature would be cancelled. As applicant failed to appear on 31.10.94 also his candidature was cancelled.

3. Applicant does not deny that he represented to respondents for the first time in this regard on 23.8.96. He states that he represented when he came to know that respondents were calling for sponsorship of candidates again from Employment Exchange.

4. No satisfactory explanation has been furnished by applicant as to why he failed to appear before the authorities on 30.9.94 and again on 31.10.94. Applicant contends that he did not receive

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the aforesaid two communications, but if he had given his postal address correctly there is no reason why those communications would not have reached him. In any case he should also have been more vigilant in the matter. Litigants can seek enforcement of their rights through Courts when they themselves are vigilant in regard to the same. In the present case, it is clear that applicant slept over his rights. Respondents have pointed out that recruitment process for the 1994 recruitments closed a long time back and indeed another process of recruitment to the post of TGT pertaining to SC category has also subsequently been completed.

5. In the result, the O.A. warrants no interference and the ruling in UP State Road Transport Corporation Vs. Goburdhan (1996) 10 SCC 703 relied upon by applicant's counsel is clearly distinguishable on facts. In that case the appointments were to be made by notification in the newspapers, and respondents' contention was accepted that since the newspaper in which the appointments were notified had no circulation in the region where he was living, he could not see the newspaper publication. In the present case, the intimation of applicant's appointment was sent to as per respondents' reply not once but twice, which has not been denied by applicant, and if as he claims he did not receive the same, he should have agitated his claims much sooner.

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6. The O.A. is, therefore, dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)  
Member (J)

karthik

S.R. Adige

(S.R. Adige)  
Vice Chairman (A)